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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,498	09/29/2005	Bernard Bene	07552.0055-00000	7337
22852 7590 06/28/2010 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER BASS, DIRK R	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 06/28/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Notice of Non-Compliant Pre-Appeal Brief Request for Review</b>	<b>Application No.</b> 10/526498	<b>Applicant(s)</b> Bernard BENE et al.	
	<b>Examiner</b> Bass, Dirk R.	<b>Art Unit</b> 1797	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Pre-Appeal Brief Request for Review filed on 06/16/10 is non-compliant for the following reason(s). See *Pre-Appeal Brief Conference Pilot Program*, 1296 Off. Gaz. Pat. Office 67 (July 12, 2005). A conference will not be held.

The time period for filing an appeal brief CONTINUES TO RUN from the receipt date of the Notice of Appeal. 37 CFR 41.37(a). If no Notice of Appeal has been received, the time period for filing a reply continues to run from the mail date of the last Office communication.

1. ☐ The Request was not filed concurrently with a proper Notice of Appeal.
2. ☐ The Request does not include accompanying arguments for which the review is being requested.
3. ☐ The arguments accompanying the Request exceed five (5) pages.
4. ☐ The arguments accompanying the Request are directed to petitionable, not appealable, matters.
5. ☒ An after-final or proposed amendment was filed with the Request, or after the filing of the Request but before a panel decision from the pre-appeal brief conference.
6. ☐ The request was filed concurrently with a Request for Continued Examination (RCE).
7. ☐ Other (including any explanation in support of the above items):

\_\_\_\_\_

/Sharmalla Coates/  
Sharmalla Coates, Supervisor  
Patent Appeal Center